

PETITION FOR ZONING VARIANCE
S/S Perring Woods Road, 690' x
753' SW of c/l of Michaels Lane
(2521 & 2523 Perring Woods Road)
9th Election District
6th Councilmanic District
Perring Woods Court Corp.
Petitioner

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 93-38-A & 93-39-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as two Petitions for Zoning Variance filed by the legal owners of the subject properties, Perring Woods Court Corporation, by Anthony J. Fiorini, Vice President, and Ronald A. Decker, Esquire, attorney for Petitioners. In Case No. 93-38-A, the Petitioners request relief from Section 1801.2.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.5.a of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a side building distance of 22 feet and 20 feet in lieu of the required 25 feet between the proposed dwellings on Lots 12 and 13 and between the proposed dwelling on Lot 13 and the existing dwelling on Lot 14, respectively. In case No. 93-39-A the Petitioners request relief from Section 1801.2.C.A. of the B.C.Z.R. and Section V.B.5.a of the C.M.D.P. to permit a side yard building to tract boundary setback of 10 feet in lieu of the required 30 feet for the proposed dwelling on Lot 12. All requests are more particularly described on the plat submitted with the Petitions marked Petitioner's Exhibit 1.

Appearing on behalf of the Petitions were Anthony Fiorini, Vice President, Ronald Decker, Esquire, and Douglas Kennedy, Registered Professional Engineer with KCW Consultants. There were no Protestants.

Testimony indicated that the subject properties, known as 2521 and 2523 Perring Woods Court, consist of 0.196 and 0.195 acres, respectively, zoned D.R. 5.5, and are currently unimproved. Said properties are also known as Lots 13 and 12 of Perring Woods. The Petitioners are desirous of developing the two properties with single family dwellings; however, the requested variances are necessary in order to construct homes that are consistent with the character of other homes in the surrounding community. Testimony indicated that although the proposed spacing between the subject dwellings is consistent with current zoning regulations, the requested variances are necessary to comply with those regulations that were in effect at the time the Perring Woods subdivision was developed.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

- 2 -

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 6th day of October, 1992 that the Petitions for Zoning Variance requesting relief from Section 1801.2.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.5.a of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a side building distance of 22 feet and 20 feet in lieu of the required 25 feet between Lots 12 and 13 and Lots 13 and 14, respectively, and from Section 1801.2.C.A. of the B.C.Z.R. and Section V.B.5.a of the C.M.D.P. to permit a side yard building to tract boundary setback of 10 feet in lieu of the required 30 feet for Lot 12, all in accordance with Petitioner's Exhibit 1, be and are hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such

- 3 -

Time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date

By

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Date

By

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Date

By

ORDER RECEIVED FOR FILING

Date

By

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

October 6, 1992

Ronald A. Decker, Esquire
4111 E. Joppa Road, Suite 201
Baltimore, Maryland 21236

RE: PETITIONS FOR ZONING VARIANCE
S/S Perring Woods Road, 690' and 753' SW of the c/l of Michael's Lane
(2521 and 2523 Perring Woods Road)
9th Election District - 6th Councilmanic District
Perring Woods Court Corporation - Petitioners
Case No. 93-38-A and 93-39-A

Dear Mr. Decker:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Zoning Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3351.

Very truly yours,
Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Bob Cleary
2519 Perring Woods Road, Baltimore, Md. 21234

People's Counsel

File



Petition for Variance to the Zoning Commissioner of Baltimore County

for the property located at Lot 13, "Perring Woods Court",
recorded in Liber SM No. 62, folio 7 which is presently zoned D.R.5.5.

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) V.B.5.a. (C.M.D.P.) Section 1801.2.C.1 (B.C.Z.R.) to allow a side building distance of 22 feet and 20 feet in lieu of the required 25 feet between houses on Lots 12 and 13 and Lots 13 and 14, respectively.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)
Petitioner requests the variance as stated above to retain the appearance of spacing of homes in the surrounding area, and to have consistent aesthetics arising out of construction. The subject parcel is in the middle of a community of small lots which have homes close together. The building to building distance is within the requirements of Baltimore County Council Bill No. 2-92.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Purchaser/lessor:

N/A
(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

Ronald A. Decker
(Type or Print Name)

Signature

Moore, Carney, Ryan and Lattanzi

4111 E. Joppa Road - Suite 201

(410) 529-4600

Baltimore, Maryland 21236

City State Zipcode

ORDER RECEIVED FOR FILING

Date

By

Who do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Perring Woods Court Corporation

(Type or Print Name)

By Anthony J. Fiorini, Vice President

(Type or Print Name)

Signature

Address

City State Zipcode

Phone No.

City State Zipcode

Home, Address and phone number of legal owner, contact purchaser or representative to be contacted.

Ronald A. Decker

Moore, Carney, Ryan and Lattanzi

4111 E. Joppa Road - Suite 201

(410) 529-4600

Baltimore, MD 21236

City State Zipcode

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

Responsible for Hearing

Next Two Months

ALL OTHER

REVIEWED BY

DATE

William K. Woody, L.S.

KCW Consultants, Inc.
Civil Engineers and Land Surveyors

4814 Imbump Lane
Suite 101
Woodlawn, Maryland 21207
(410) 281-0800 (281) 0811
Fax (410) 281-0804

Douglas L. Kennedy, P.E.

LOT 13 "Perring Woods Court"
#2521 Perring Woods Road
9th Election District
Baltimore County, Maryland

June 12, 1992

SURVEY DESCRIPTION TO ACCOMPANY PETITION FOR ZONING VARIANCE

BEGINNING at a point at the end of northern right-of-way of Perring Woods Road 50 feet wide, said point being 690 feet more or less from the intersection of the Perring Woods Road right-of-way, and centerline of Michaels Lane, thence running the following:

- (1) North 02 degrees 40 minutes 21 seconds East 134.46 feet, thence;
- (2) South 87 degrees 15 minutes 26 seconds East 63.36 feet, thence;
- (3) South 02 degrees 40 minutes 21 seconds West 134.38 feet to said right-of-way, thence binding on said right-of-way;
- (4) North 87 degrees 19 minutes 39 seconds West 63.36 feet to the place of beginning.

BEING Lot #13 in the subdivision of "Perring Woods Court" as recorded in Baltimore County Plat Book S.M. 62, Folio 007, containing 0.196 ac. Also known as #2521 Perring Woods Road in the 9th Election District, Baltimore County, Maryland.



M.S. Dallas, R.P.L.S. #10912

6/12/92

Date

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 9th Date of Posting: 9/5/92
Posted for: Variance
Petitioner: Perring Woods Court Corp.
Location of property: S/S Perring Woods Rd. 690' x 753' Michaels Lane
2521 Perring Woods Rd. Rt. 1 - Lot 13
Location of Signs: Along Perring Woods Rd. at Michaels Lane
Remarks: _____
Posted by: Timothy M. Kotroco Date of return: 9/12/92
Number of Signs: 7

CERTIFICATE OF PUBLICATION

TOWSON, MD. Aug 21, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Aug 22, 1992.

THE JEFFERSONIAN,

S. Zake
Publisher

CASE 93-38-A (Item 44)
S/S Perring Woods Road
690' x 753' Michaels Lane
2521 Perring Woods Road
Lot #13
9th Election District
Baltimore County
Petitioner(s):
Perring Woods Court Corporation
HEARD: TUESDAY,
SEPTEMBER 28, 1992
3:30 p.m. in Rm. 116,
Old Courthouse
Variance to allow a side building
distance of 22 feet and 20 feet in
lieu of the required 25 feet be-
tween houses on Lots #12 and
#13 and Lot #13 and #14, re-
spectively.



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Date 8-7-92

Moore, Carney, Ryan & Lettanzi
4111 E. Joppa Rd. Suite 201
Baltimore, MD 21236

Residential Variance Pkg. Fee \$50.00
- 4322 Perring Woods Rd.
(Lot #12)

Account: R-001-6150
Number

Please Make Checks Payable To: Baltimore County

Cashier Validation



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Date

Account: R-001-6150
Number

8/10/92

H9300044

DESCRIPTION	QTY	PRICE
PUBLIC HEARING FEES		
410 - ZONING VARIANCE (CRL)	1 X	\$50.00
TOTAL:		\$50.00

LAST NAME OF OWNER: PERRING WOODS CT.

Please Make Checks Payable To: Baltimore County

Cashier Validation



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Date 8-7-92

Moore, Carney, Ryan & Lettanzi
4111 E. Joppa Rd. Suite 201
Baltimore, MD 21236

Residential Variance Pkg. Fee \$50.00
- 4322 Perring Woods Rd.
(Lot #12)

Account: R-001-6150
Number

Account: R-001-6150
Number

Please Make Checks Payable To: Baltimore County

Cashier Validation



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RECEIVED

AUG 12 1992

receipt

Date

8/10/92

PUBLIC HEARING FEES
410 - ZONING VARIANCE (CRL)
TOTAL: \$50.00
LAST NAME OF OWNER: PERRING WOODS CT.

Account: R-001-6150
Number

Please Make Checks Payable To: Baltimore County

Cashier Validation



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Date

8/10/92

PUBLIC HEARING FEES
410 - ZONING VARIANCE (CRL)
TOTAL: \$50.00
LAST NAME OF OWNER: PERRING WOODS CT.

Account: R-001-6150
Number

Please Make Checks Payable To: Baltimore County

Cashier Validation



Baltimore County
Zoning Administration &
Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-6150
Number

93-38

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

DATE: 9-4-92

Perring Woods Court Corporation
c/o Ronald A. Decker, Esq.
Moore, Carney, Ryan and Lettanzi
4111 E. Joppa Road, Suite 201
Baltimore, Maryland 21236

RE:
CASE NUMBER: 93-38-A (Item 44)
S/S Perring Woods Road, 690' SW of c/l Michael's Lane and Perring Woods Road right-of-way
2521 Perring Woods Road - Lot #13
9th Election District - 6th Councilmanic
Petitioner(s): Perring Woods Court Corporation
HEARING: TUESDAY, SEPTEMBER 29, 1992 at 2:00 p.m. in Rm. 118, Old Courthouse.

Dear Petitioner(s):

Please be advised that \$ 62.69 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

Arnold Jablon
DIRECTOR

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

WEDNESDAY 13, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-38-A (Item 44)
S/S Perring Woods Road, 690' SW of c/l Michael's Lane and Perring Woods Road right-of-way
2521 Perring Woods Road - Lot #13
9th Election District - 6th Councilmanic
Petitioner(s): Perring Woods Court Corporation
HEARING: TUESDAY, SEPTEMBER 29, 1992 at 2:00 p.m. in Rm. 118, Old Courthouse.

Variance to allow a side building distance of 22 feet and 20 feet in lieu of the required 25 feet between houses on lots #12 and #13 and lots #13 and #14, respectively.

Lawrence E. Schmidt
Lawrence E. Schmidt

Zoning Commissioner of
Baltimore County

cc: Ronald A. Decker, Esq.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

September 9, 1992

(410) 887-3353

Ronald A. Decker, Esquire
Moore, Carney, Ryan and Lettanzi
4111 E. Joppa Road, Suite 201
Baltimore, MD 21236

RE: Item No. 44, Case No. 93-38-A
Petitioner: Perring Woods Court Corp.
Petition for Variance

Dear Mr. Decker:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this 7th day of August, 1992

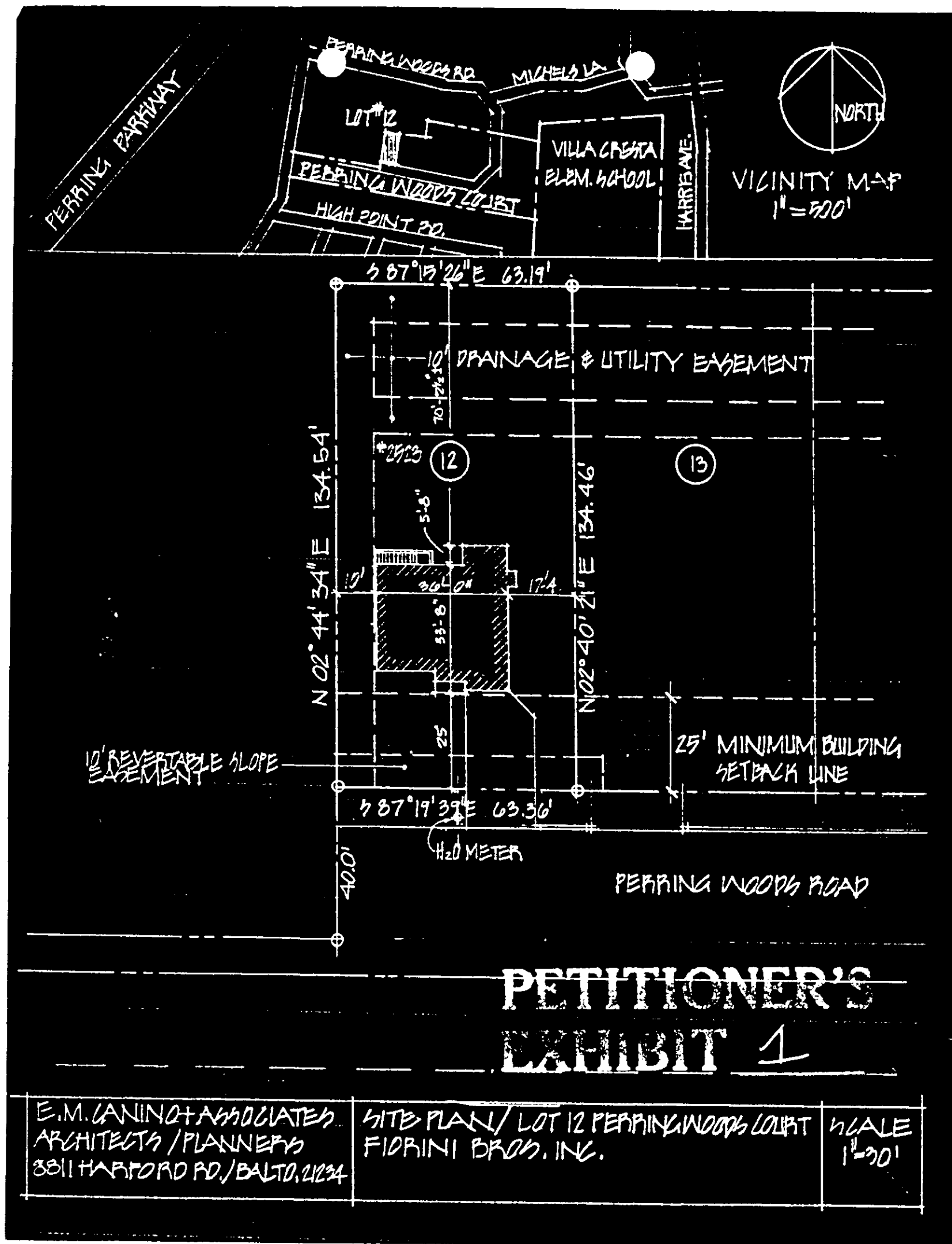
Arnold Jablon
DIRECTOR

Received By:

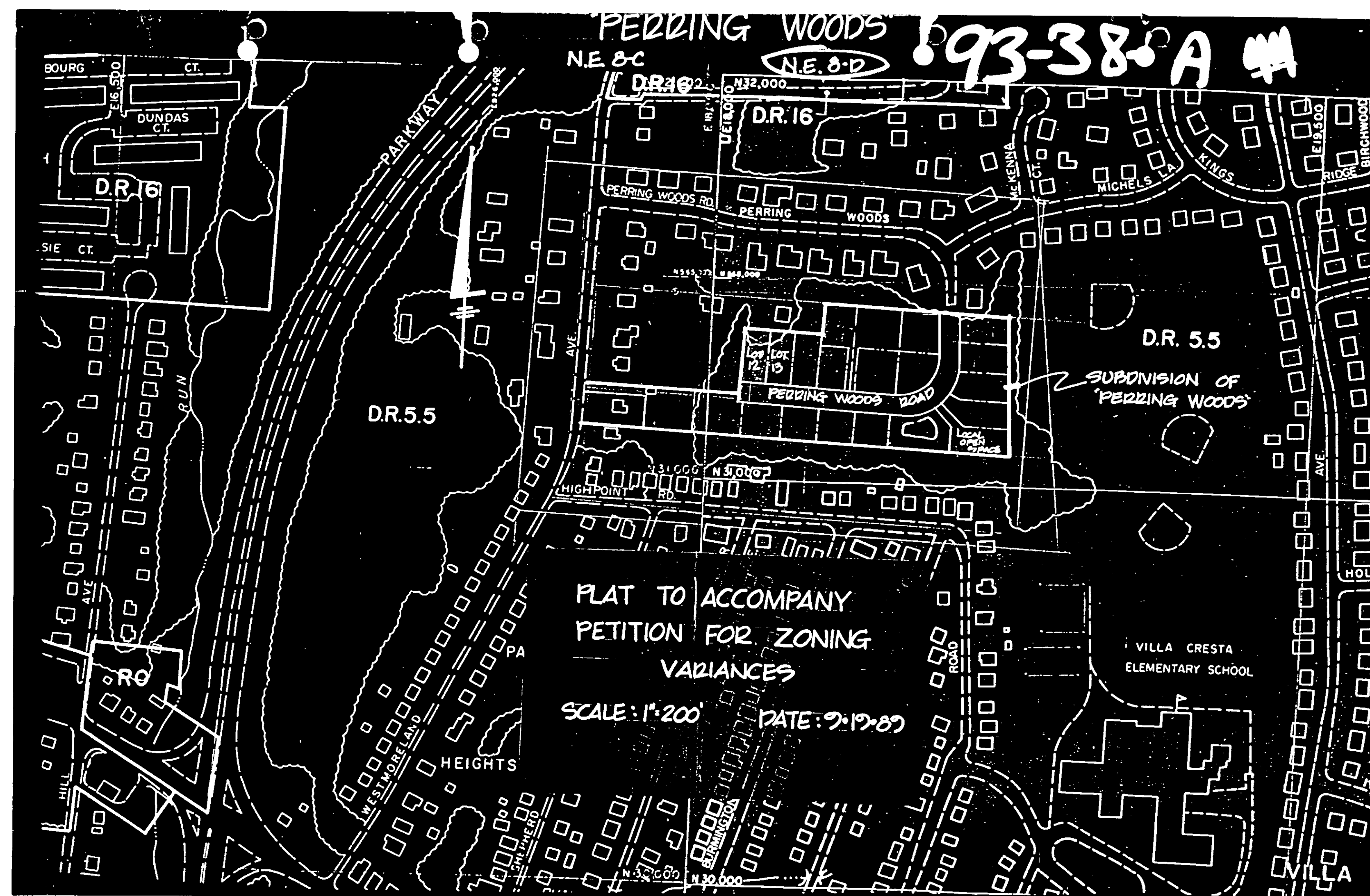
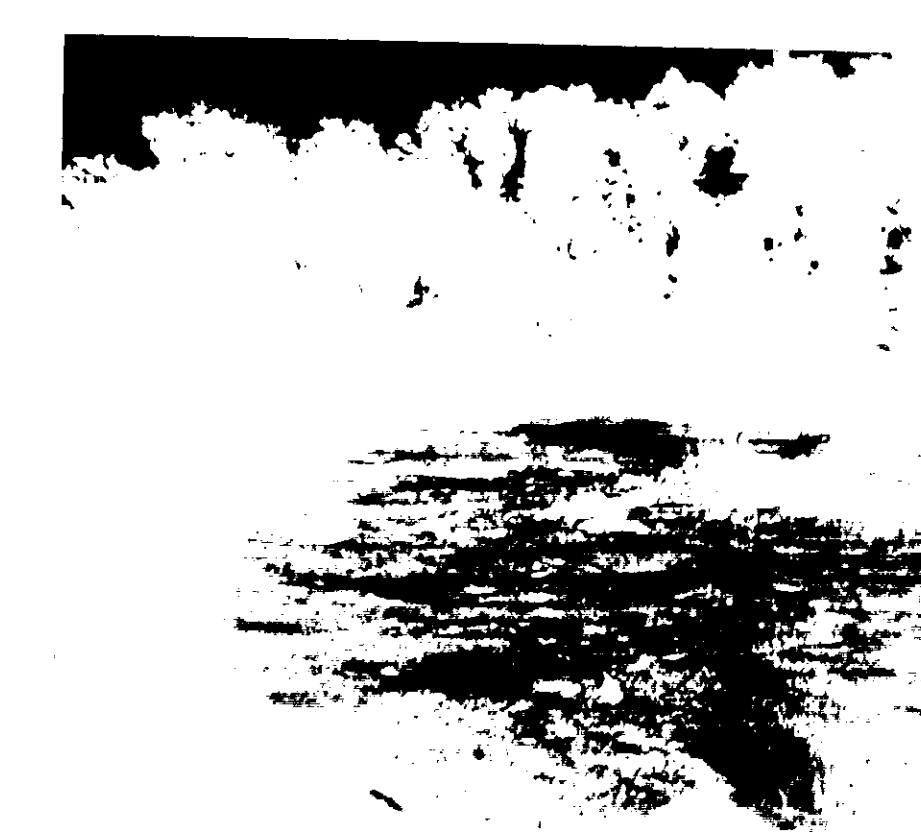
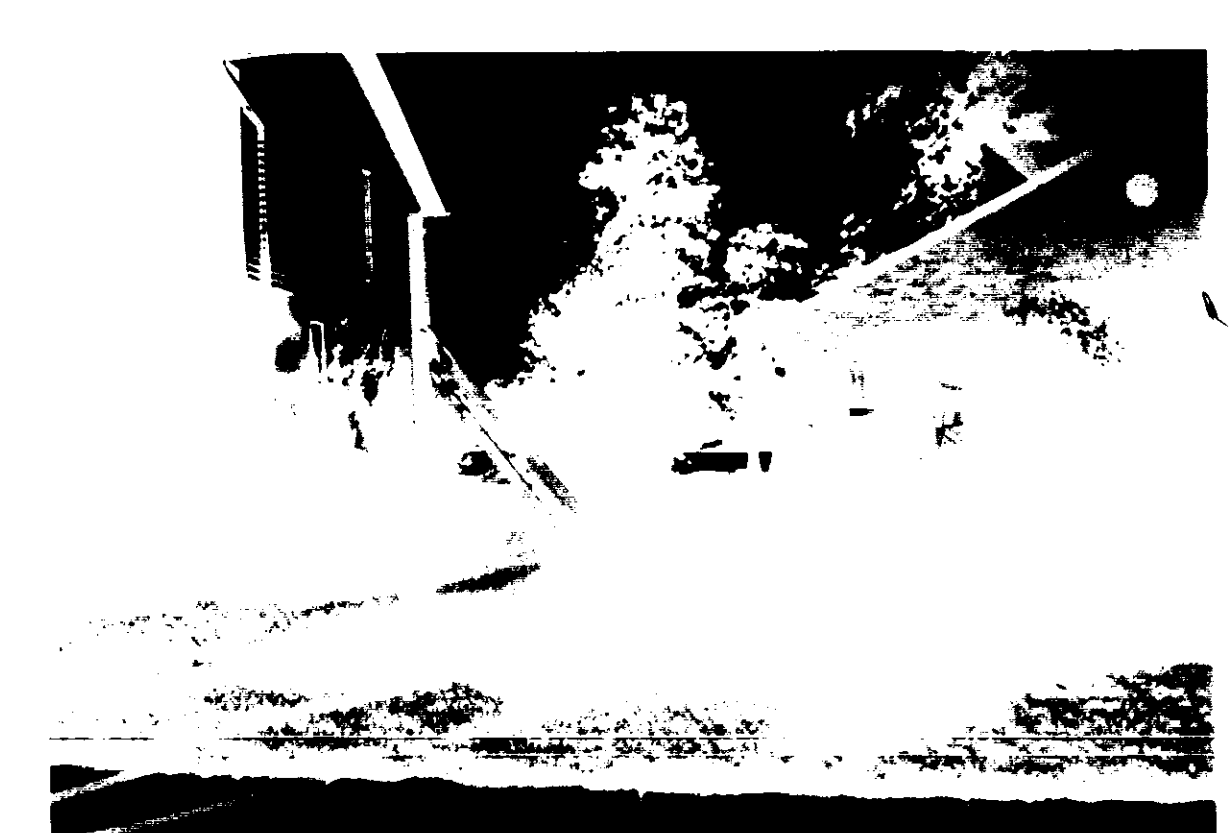
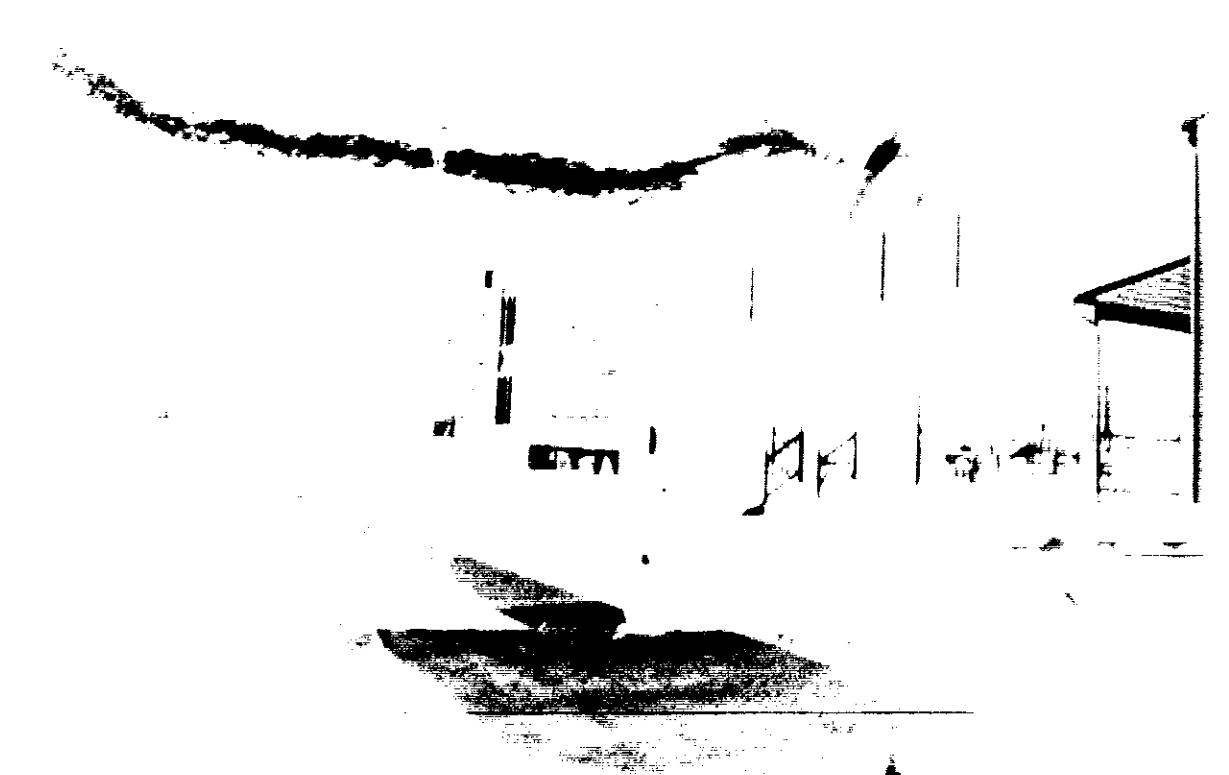
W. Carl Richardson Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Perring Woods Court Corp. et al
Petitioner's Attorney: Ronald A. Decker

ZONING OFFICE



Petitioner's
Exhibit 2
(7 Photographs)



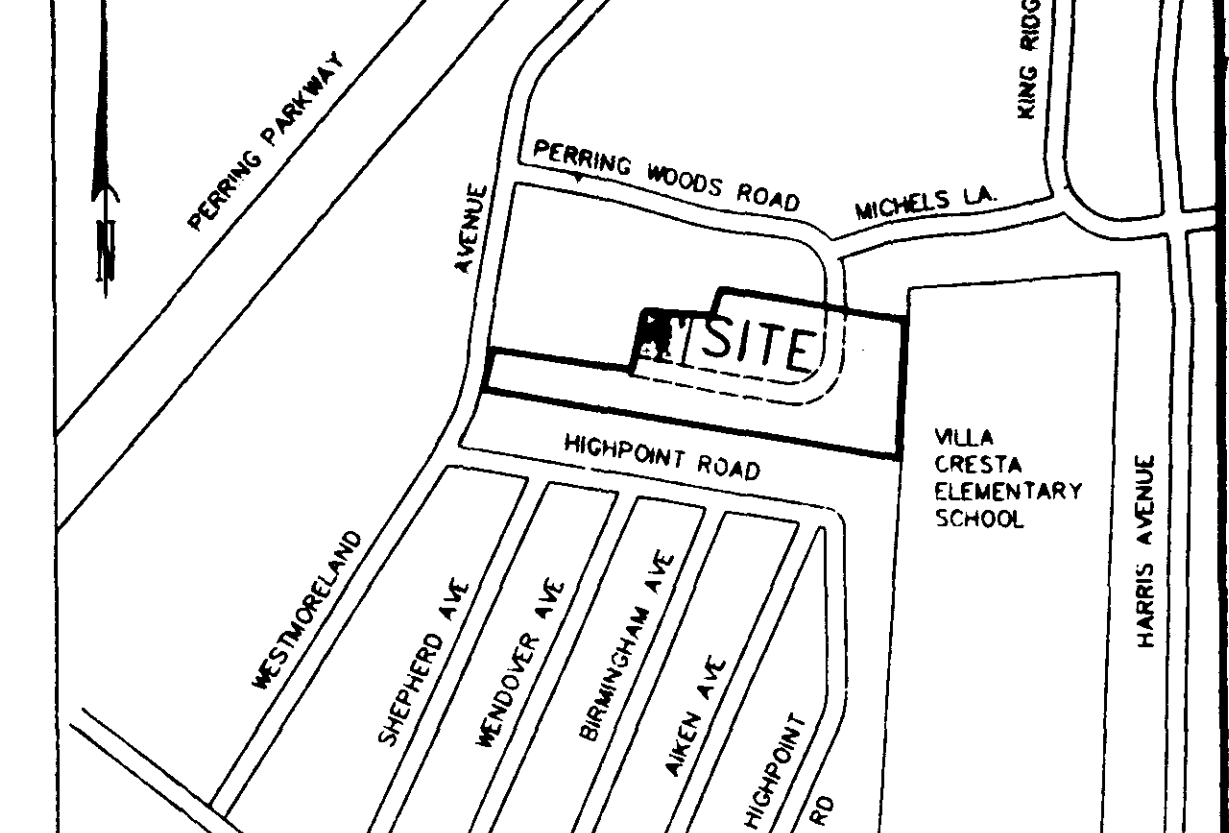
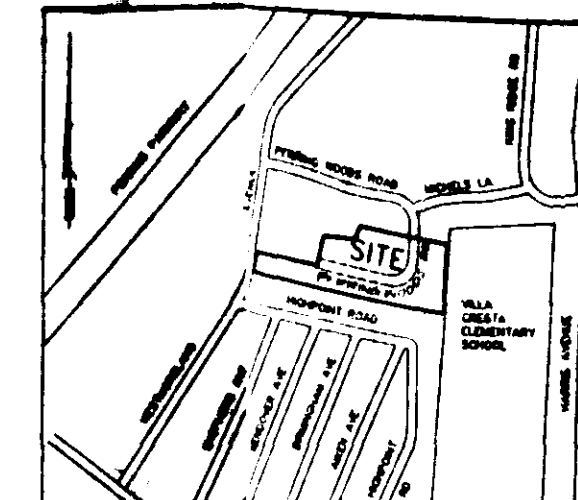
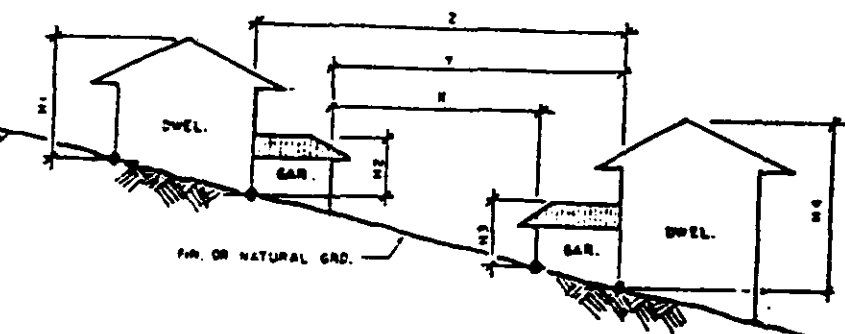
WINDOW & HEIGHT DISTANCE SETBACK REQUIREMENTS

DISTANCES BETWEEN BUILDINGS
(FACING ELEVATIONS)

- Window to Window - 40'
- Window to Street R/W - 25'
- Window to Tract Boundary - 35'
- Window to Property Line - 15'
- Building to Ex. R/W - 25'
- Building to Ex. R/W CL - 50'
- Building to Proposed R/W - 0'
- Building to Tract Boundary - 30'

Height to Height Requirements (Distances between facing elevation):

- 0-20' - 16' Separation
- 20-25' - 25' Separation
- 25-30' - 30' Separation
- 30-40' - 40' Separation
- 40-50' - 60' Separation
- 50-60' - 75' Separation
- Building height - by zone
- Building length - 300' maximum



VICINITY MAP
SCALE: 1" = 500'

ACCESSORY STRUCTURE NOTE

1. Envelopes shown hereon are for the location of all principal buildings only. Accessory structures, fences and projections into yards may be constructed outside the envelope, but must comply with Sections 400 and 301 of the Baltimore County Zoning Regulations. (Subject to covenants and applicable building permits.)

2. Accessory structures, fences and projections into yard cannot be located in flood plain areas or hydric soils.

ZONING COMMISSIONER'S NOTE

This development plan is approved by the Zoning Commissioner based on his interpretation of the Zoning Regulations, that it complies with present policy. Any part or parcel of this tract that has been utilized for density to support dwellings shown thereon shall not be further divided, subdivided or developed for additional dwellings or any building other than that indicated presently on said plan. Utilization will have occurred when a dwelling is constructed and transferred for the purpose of occupancy.

CURB CUT NOTE

The exact location of curb cuts for driveway or parking pad entrances is to be determined by owner when exact building models become available but prior to installation of street curbs.

WALKWAY EASEMENT NOTE

If drainage, utility and walkway easements are fenced, then at least 5 feet must remain open for pedestrian access.

CRG PLAN NOTE

This development plan complies with the CRG plan and all CRG Comments.

LANDSCAPE PLAN NOTE

A landscape plan must be approved by the Office of Planning prior to the issuance of a building permit.

SOIL TYPES AND LIMITATIONS

B&B - Beltsville silt loam, 2 to 5 percent slopes
Homesites (3 stories or less)
With Basements - Moderate: Seasonally Perched Water Table
Without Basements - Slight
Streets & Parking Lots - Moderate: Seasonally Perched Water Table; Slope

GENERAL NOTES

- General Information
 - Election District No. 9
 - Census Tract 4920.02
 - Metropolitan Subwatershed 50
 - Public Services CRG No. 89062
- Density Calculations
 - Gross Acreage: 5.9176 ac ±
 - Net Acreage: 5.9176 ac ±
 - Existing Zoning: DR 5.5
 - Number of Dwelling Units Allowed: 150 (50 per acre)
 - Number of Dwelling Units Proposed: 20
 - Average Daily Trips: 150
 - Offstreet Parking Required: 2 spaces/dwg. unit x 20 = 40 spaces
 - Offstreet Parking Proposed: 40 spaces
 - Local Open Space Required: 650 sf x 20 = 13,000 sf
 - Local Open Space Provided: 13,000 sf
 - Landscaping:
 - Number of Trees Required: 1 tree/lot x 20 = 20 trees
 - 50% credit for existing trees to be saved = 20 x 50% = 10 trees
 - No. of trees required: 20 - 10 = 10 trees
 - No. of trees proposed: 10
- Local open space will be dedicated to Baltimore County. Local Open Space shall not be disturbed without prior approval from the Department of Recreation and Parks.
- Refuse shall be collected by Baltimore County.
- Landscaping to be provided by developer.
- Grading shall be on an individual lot basis.
- Sanitary Sewer: public by extension of existing 8" sanitary sewer. (Dwg. No. 52-563)
- Water: public by extension of existing 8" water. (Dwg. No. 76-066)
- Stormwater Management will be provided.
- Temporary boundary markers and tree protection devices shall be installed prior to any clearings or gradings.
- Setback minimum of 25' must be held when garage or carport enter directly from the street.
- Clearings and gradings are to be limited to the areas for road construction and homesites only. Homesite clearings will be restricted to 7,000 square feet per lot.
- All proposed parking areas and panhandle driveways shall be constructed with a dustless surface consisting of macadam, concrete, or bituminous concrete.
- All lots are for sale.
- This property does not contain wetlands, critical areas, historic buildings, archaeological sites, endangered species habitat or hazardous material sites.

PETITIONER'S EXHIBIT 3

VARIANCE INFORMATION FOR LOTS 12 AND 13
LOT 12:
 Variance requested to allow a side yard building to rear boundary of 10 ft. in lieu of the required 30 ft.
LOT 13:
 Variance requested to allow a side yard building to rear boundary of 10 ft. in lieu of the required 30 ft.

PREVIOUS ZONING CASES

- RESULTS OF VARIANCES REQUESTED IN CASE NO. 90-299-A (APRIL 4, 1990)
- LOT No. 11: GRANTED
 Variance requested to allow a side yard (WINDOW to tract boundary) of 10 feet in lieu of the required 30 feet.
 - LOT No. 12: DISMISSED (90-299-A)
 Variance requested to allow a side yard (WINDOW to tract boundary) of 10 feet in lieu of the required 30 feet.
 - LOT No. 20: DISMISSED (90-299-A)
 Variance requested to allow a side yard (WINDOW to tract boundary) of 10 feet in lieu of the required 30 feet.

REVISIONS

DATE	REVISIONS
6-12-92	LOT 12 AND LOT 13 VARIANCE PETITION

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCES

LOT 12 & 13
PERRING WOODS COURT

9TH Election District
 Baltimore County, Maryland

KCW Consultants, Inc.
 Civil Engineers and Land Surveyors
 1777 Reisterstown Road
 Commerce Centre, Suite 175
 Baltimore, Maryland 21208
 (301) 484-0963



OWNER / DEVELOPER
 JACK & JOSEPHINE FIORINI
 1923 HIGHPOINT ROAD
 BALTIMORE, MARYLAND 21224
 PHONE # 507-435-3535
 DEED REF. 625/10-9
 7/24/78
 TAX ACCOUNT NOS. 20-00-00-3545
 24-03-75-1000

Douglas L. Kennedy

KCW J.O. 89719 SCALE: 1" = 500' DATE: 6-10-92

93-38-A

IN RE: PETITION FOR ZONING VARIANCE
S/S Perring Woods Road, 690' &
753' SW of c/l of Michaels Lane
(2521 & 2523 Perring Woods Road)
9th Election District
6th Councilmanic District
Perring Woods Court Corp.
Petitioner

* BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 93-38-A & 93-39-A
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as two Petitions for Zoning Variance filed by the legal owners of the subject properties, Perring Woods Court Corporation, by Anthony J. Fiorini, Vice President, and Ronald A. Decker, Esquire, attorney for Petitioners. In Case No. 93-38-A, the Petitioners request relief from Section 1801.2.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.5.a of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a side building distance of 22 feet and 20 feet in lieu of the required 25 feet between the proposed dwellings on Lots 12 and 13 and between the proposed dwelling on Lot 13 and the existing dwelling on Lot 14, respectively. In case No. 93-39-A the Petitioners request relief from Section 1801.2.C.A. of the B.C.Z.R. and Section V.B.5.a of the C.M.D.P. to permit a side yard building to tract boundary setback of 10 feet in lieu of the required 30 feet for the proposed dwelling on Lot 12. All requests are more particularly described on the plat submitted with the Petitions marked Petitioner's Exhibit 1.

Appearing on behalf of the Petitions were Anthony Fiorini, Vice President, Ronald Decker, Esquire, and Douglas Kennedy, Registered Professional Engineer with K&W Consultants. There were no Protestants.

Testimony indicated that the subject properties, known as 2521 and 2523 Perring Woods Court, consist of 0.196 and 0.195 acres, respectively, zoned D.R. 5.5, and are currently unimproved. Said properties are also known as Lots 13 and 12 of Perring Woods. The Petitioners are desirous of developing the two properties with single family dwellings; however, the requested variances are necessary in order to construct homes that are consistent with the character of other homes in the surrounding community. Testimony indicated that although the proposed spacing between the subject dwellings is consistent with current zoning regulations, the requested variances are necessary to comply with those regulations that were in effect at the time the Perring Woods subdivision was developed.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

- 2 -

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 16th day of October, 1992 that the Petitions for Zoning Variance requesting relief from Section 1801.2.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.5.a of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a side building distance of 22 feet and 20 feet in lieu of the required 25 feet between Lots 12 and 13 and Lots 13 and 14, respectively, and from Section 1801.2.C.A. of the B.C.Z.R. and Section V.B.5.a of the C.M.D.P. to permit a side yard building to tract boundary setback of 10 feet in lieu of the required 30 feet for Lot 12, all in accordance with Petitioner's Exhibit 1, be and are hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such

- 3 -

time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

THK:bjs

ORDER RECEIVED FOR FILING

Date 10/16/92
By [Signature]

ORDER RECEIVED FOR FILING

Date 10/16/92
By [Signature]

ORDER RECEIVED FOR FILING

Date 10/16/92
By [Signature]

ORDER RECEIVED FOR FILING

Date 10/16/92
By [Signature]

- 4 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

October 6, 1992

(410) 887-4386

Ronald A. Decker, Esquire
4111 E. Joppa Road, Suite 201
Baltimore, Maryland 21236

RE: PETITIONS FOR ZONING VARIANCE
S/S Perring Woods Road, 690' and 753' SW of the c/l of Michael's Lane
(2521 and 2523 Perring Woods Road)
9th Election District - 6th Councilmanic District
Perring Woods Court Corporation - Petitioners
Case No. 93-38-A and 93-39-A

Dear Mr. Decker:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Zoning Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3351.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

THK:bjs

cc: Mr. Bob Cleary
2519 Perring Woods Road, Baltimore, Md. 21234

People's Counsel
file



Petition for Variance to the Zoning Commissioner of Baltimore County

for the property located at Lot 12, "Perring Woods Court",
recorded in Liber SM NO. 62, which is presently zoned D.R.5.5.

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) V.B.5.a, (C.M.D.P.) Section 1801.2.C.A. (B.C.Z.R.) to allow a side yard building to tract boundary of 10 feet in lieu of the required 30 feet for Lot 12, "Perring Woods Court".

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)
Petitioner requires the variance as stated above to retain the appearance of spacing of homes in the surrounding area, and to have consistent aesthetics arising out of construction. The subject parcel is in the middle of a community of small lots which have homes close to the tract lines. A similar variance request was approved in Case No. 90-299A.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertisement, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessor:

N/A
(Type or Print Name)

Signature: _____
(Type or Print Name)

Address: _____

City: _____ State: _____ Zipcode: _____

Attorney for Petitioner:
Ronald A. Decker
(Type or Print Name)

Signature: Ronald A. Decker
Moore, Carney, Ryan & Lattanzi
4111 E. Joppa Road, Suite 201
(410) 529-4600

Address: Baltimore, Maryland 21236
City: _____ State: _____ Zipcode: _____

Who do not necessarily declare and affirm, under the penalties of perjury, that they are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):
Perring Woods Court Corporation
(Type or Print Name)

By: [Signature]
Signature: Anthony J. Fiorini, Vice-President
(Type or Print Name)

Address: _____

City: _____ State: _____ Zipcode: _____

Address: Baltimore, Maryland 21236
City: _____ State: _____ Zipcode: _____

Address: Baltimore, Maryland 21236
City: _____ State: _____ Zipcode: _____

Address: Baltimore, Maryland 21236
City: _____ State: _____ Zipcode: _____

Address: Baltimore, Maryland 21236
City: _____ State: _____ Zipcode: _____

Address: Baltimore, Maryland 21236
City: _____ State: _____ Zipcode: _____

Address: Baltimore, Maryland 21236
City: _____ State: _____ Zipcode: _____

William K. Woody, L.S.

KCW Consultants, Inc.
Civil Engineers and Land Surveyors
3034 Timonium Lane
Suite 101
Woodlawn, Maryland 21207

(410) 281-0311 (201) 411-1111
Fax: (410) 298-0314

Douglas L. Kennedy, P.E.

LOT 12 "Perring Woods Court"
#2523 Perring Woods Road
9th Election District
Baltimore County, Maryland

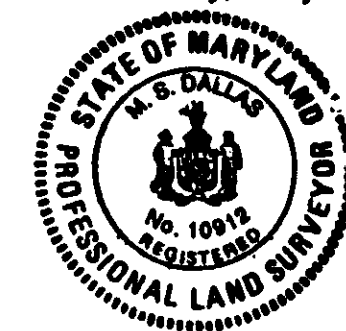
June 12, 1992

SURVEY DESCRIPTION TO ACCOMPANY PETITION FOR ZONING VARIANCE

BEGINNING at a point at the end of northern right-of-way of Perring Woods Road 50 feet wide, said point being 750 feet more or less from the intersection of the Perring Woods Road right-of-way, and centerline of Michels Lane, thence running the following:

- (1) North 02 degrees 44 minutes 34 seconds East 134.54 feet, thence;
- (2) South 87 degrees 15 minutes 26 seconds East 63.19 feet, thence;
- (3) South 02 degrees 40 minutes 21 seconds West 134.46 feet to said right-of-way, thence binding on said right-of-way;
- (4) North 87 degrees 19 minutes 39 seconds West 63.36 feet to the place of beginning.

BEING Lot #12 in the subdivision of "Perring Woods Court" as recorded in Baltimore County Plat Book S.M. 62, Folio 007, containing 0.195 ac. Also known as #2523 Perring Woods Road in the 9th Election District, Baltimore County, Maryland.



M.S. Dallas
M.S. Dallas, R.P.L.S. #10912

6/12/92
Date

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 9th Date of Posting: 9/15/92
Posted for: Variance
Petitioner: Perring Woods Court Corp.
Location of property: 82 Perring Woods Rd. 753' SW of Michael Lane
2523 Perring Woods Rd.
Location of Sign: Perring Woods Court Corp. property to be posted
Remarks: _____
Posted by: [Signature] Date of return: 9/16/92
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., Aug 21, 19 92

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Aug 20, 1992.

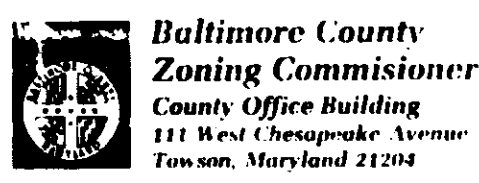
CASE #93-38-A (Item 45)
S/S Perring Woods Road,
753' SW of Michael Lane
and Perring Woods Road
right-of-way
2523 Perring Woods Road
Lot #12
9th Election District
Baltimore County
Petitioner:
Perring Woods
Court Corporation
MEETING TUESDAY,
SEPTEMBER 22, 1992
at 1:00 p.m. in Rm. 118,
Old Courthouse.

Variances to allow a side yard
building to tract boundary of 10
feet in lieu of the required 30 feet
for Lot #12, Perring Woods
Court.

THE JEFFERSONIAN,

S. Zeke
Publisher

93-39-A



Date 8-7-92

Moore, Carney, Ryan & Lattanzi
4111 E. Joppa Rd. Suite 201
21236

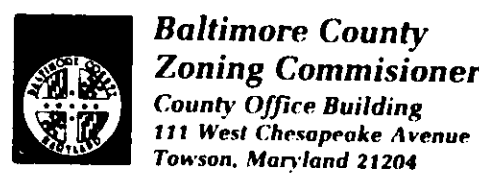
Residential Variance Pkg for
2523 Perring Woods Rd.
(Lot #12)

Account: R-001-6150
Number

Cashier Validation

Please Make Checks Payable To: Baltimore County
\$50.00

receipt



Date

Account: R-001-6150
Number

9/10/92

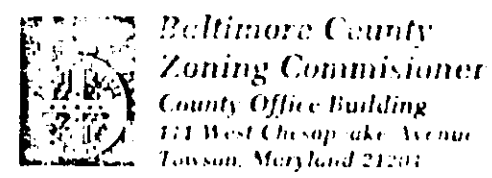
H9300045

DESCRIPTION	QTY	PRICE
FOR TO HEARING FEES		
010 - ZONING VARIANCE (1SL)	1 X	\$50.00
TOTAL:		\$50.00

LAST NAME OF OWNER: PERRING WOODS CT.

Please Make Checks Payable To: Baltimore County

Cashier Validation



Date 8-7-92

Moore, Carney, Ryan & Lattanzi
4111 E. Joppa Rd. Suite 201
21236

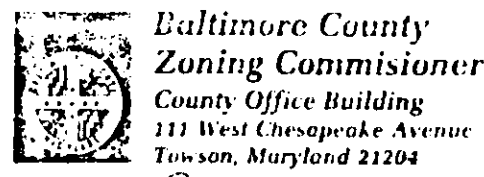
Residential Variance Pkg for
2523 Perring Woods Rd.
(Lot #12)

Account: R-001-6150
Number

Please Make Checks Payable To: Baltimore County
\$50.00

Cashier Validation

receipt



Date

Account: R-001-6150
Number

PAID PER HANDWRITTEN
RECEIPT DATED 8/7/92

DESCRIPTION	QTY	PRICE
FOR TO HEARING FEES		
010 - ZONING VARIANCE (1SL)	1 X	\$50.00
TOTAL:		\$50.00

LAST NAME OF OWNER: PERRING WOODS CT.

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

DATE: 9-4-92

Perring Woods Court Corporation
c/o Ronald A. Decker, Esq.
Moore, Carney, Ryan & Lattanzi
4111 E. Joppa Road, Suite 201
Baltimore, Maryland 21236

RE:

CASE NUMBER: 93-39-A (Item 45)
5/5 Perring Woods Road, 753' SW of c/l Michael's Lane and Perring Woods Road right-of-way
2523 Perring Woods Road - Lot #12
9th Election District - 6th Councilmanic
Petitioner(s): Perring Woods Court Corporation
HEARING: TUESDAY, SEPTEMBER 29, 1992 at 2:00 p.m. in Rm. 118, Old Courthouse

Dear Petitioner(s):

Please be advised that \$ 62.69 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

Carl J. Jablon

ARNOLD JABLON
DIRECTOR

Printed on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

AUGUST 13, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 at Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-39-A (Item 45)
5/5 Perring Woods Road, 753' SW of c/l Michael's Lane and Perring Woods Road right-of-way
2523 Perring Woods Road - Lot #12
9th Election District - 6th Councilmanic
Petitioner(s): Perring Woods Court Corporation
HEARING: TUESDAY, SEPTEMBER 29, 1992 at 2:00 p.m. in Rm. 118, Old Courthouse

Variance to allow a side yard building to tract boundary of 10 feet in lieu of the required 30 feet for Lot #12, Perring Woods Court.

Lawrence E. Schmidt

Zoning Commissioner of
Baltimore County

cc: Ronald A. Decker, Esq.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

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Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

September 9, 1992

(410) 887-3353

Ronald A. Decker, Esquire
Moore, Carney, Ryan & Lattanzi
4111 E. Joppa Road, Suite 201
Baltimore, MD 21236

RE: Item No. 45, Case No. 93-39-A
Petitioner: Perring Woods Court, et al
Petition for Variance

Dear Mr. Decker:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this
7th day of August, 1992

Arnold Jablon

Received By:

W. Carl Richards Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Perring Woods Court Corp. et al
Petitioner's Attorney: Ronald A. Decker

Printed on Recycled Paper

93-38

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration & Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

DATE: September 1, 1992

SUBJECT: Perring Woods Court, Lot 12

INFORMATION:
Item Number: 45

Petitioner: Perring Woods Court, Corp.

Property Size: 0.196 acres

Zoning: D.R. 5.5

Requested Action: Variance

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The petitioner is requesting a variance to allow a side yard building to tract boundary of 10 feet in lieu of the required 30 feet for Lot 12.

The Office of Planning and Zoning recommends APPROVAL of the petitioner's request.

Prepared by: Lawrence Mooney

Division Chief: E. M. McDermott

FM/PK/EMC:prh

RECEIVED
SEP 8 1992
ZONING OFFICE

45.ZAC/ZAC1

Pg. 1

Baltimore County Engineering Division (Public Services)
Development Review Committee Response Form
Authorized signature: *Deborah A. Kennedy*

08/27/92

Date: 8/31/92

Project Name: Stonegate at Patapsco (Azeal Property)
File Number: 90476
Waiver Number: TE (Waiting for developer to submit plans first)
ZON DED: 6-1-92

Project Name	Waiver Number	Zoning Issue	Meeting Date
Stonegate at Patapsco (Azeal Property)	TE (Waiting for developer to submit plans first)	6-1-92	
COUNT 1			
James And Linda Heier	35	8-24-92	NC
DEPRM RP STP TE			
Allan L. Snyder Et. Al.	36		NC
DEPRM RP STP TE			
Salvo Auto Parts	37		NC
DEPRM RP STP TE			
Adela M. Lombardi And Florence Kuskv	38		NC
DEPRM RP STP TE			
Helaine G. And Melvin R. Trosch	39		NC
DEPRM RP STP TE			
Baltimore Country Club of Baltimore City	40		NC
DEPRM RP STP TE			
Robert E. And Cynthia A. Lyons	43		NC
DEPRM RP STP TE			
Perring Woods Court Corporation	44		NC
DEPRM RP STP TE			
Perring Woods Court Corporation	45		NC
DEPRM RP STP TE			
Helen Mooney Murphy	46		NC
DEPRM RP STP TE			
Michael E. Turley	47		NC
DEPRM RP STP TE			

DPW/Traffic Engineering
Development Review Committee Response Form
Authorized signature _____ Date 8/17/92

Project Name Waiver Number Zoning Issue Meeting Date

Stonegate at Patapsco (Aerial Property)
90475 6-1-92
ZON DED TE (Waiting for developer to submit plans first)

COUNT 1

James And Linda Heier 35 N/C 8-24-92
DED DEPRM RP STP TE
Allan L. Snyder Et. Al. 36 N/C
DED DEPRM RP STP TE
Salvo Auto Parts 37 N/C
DED DEPRM RP STP TE
Adela M. Lombardi And Florence Kinsky 38 N/C
DED DEPRM RP STP TE
Helaine G. And Melvin R. Trosch 39 N/C
DED DEPRM RP STP TE
Baltimore Country Club of Baltimore City 40 N/C
DED DEPRM RP STP TE
Robert E. And Cynthia A. Lyons 43 N/C
DED DEPRM RP STP TE
Perring Woods Court Corporation 44 N/C
DED DEPRM RP STP TE
Perring Woods Court Corporation 45 N/C
DED DEPRM RP STP TE
Helen Mooney Murphy 46 N/C
DED DEPRM RP STP TE
Michael E. Turley 47 N/C

700 East Joppa Road Suite 901
Towson, MD 21204-5500

AUGUST 17, 1992

(410) 887-4500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: PERRING WOODS COURT CORPORATION

Location: #2523 PERRING WOODS ROAD - LOT #12

Item No.: 45 (JJS) Zoning Agenda: AUGUST 17, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: JP/REK Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JP/REK

RECEIVED
AUG 17 1992
ZONING OFFICE

Department of Recreation and Parks
Development Review Committee Response Form
Authorized signature _____ Date 8/17/92

Project Name Waiver Number Zoning Issue Meeting Date

Robert E. And Cynthia A. Lyons 43 8-24-92

DED DEPRM RP STP TE No Comment

Perring Woods Court Corporation 44

DED DEPRM RP STP TE No Comment

Perring Woods Court Corporation 45

DED DEPRM RP STP TE No Comment

Helen Mooney Murphy 46

DED DEPRM RP STP TE No Comment

Michael E. Turley 47

DED DEPRM RP STP TE No Comment

James Enterprises 48

DED DEPRM RP STP TE No Comment

White Marsh Joint Venture 49

DED DEPRM RP STP TE No Comment

Salvo Realty, Inc. 50

DED DEPRM RP STP TE No Comment

Robert T. and Lorri A. Burgess 51

DED DEPRM RP STP TE No Comment

Chester L. And Virginia J. Farley 52

DED DEPRM RP STP TE No Comment

Mark Allan Claypoole 53

DED DEPRM RP STP TE No Comment

Ritz Enterprises 54

DED DEPRM RP STP TE No Comment

DED DEPRM RP STP TE No Comment

111 West Chesapeake Avenue
Towson, MD 21204

August 20, 1992

(410) 887-3353

Ronald A. Decker, Esquire
Moore, Carney, Ryan & Lattanzi
4111 East Joppa Road
Baltimore, MD 21236

RE: Items #44 and #45
Perring Woods Court Corporation

Dear Mr. Decker:

I am writing regarding your letter of August 19, 1992 concerning the confusion over the above referenced petitions filed in the Zoning Office on August 7, 1992.

The hand-written receipts were done when the petitions were filed due to the fact that the computer system was not functioning. When I received the petitions for processing, there were no computer-generated receipts in the files; therefore, I entered the information into the computer to obtain item numbers (#44 and #45). Apparently this had already been done (#41 and #42) without the computer-generated receipts being placed in the files. As a result of this, items #41 and #42 were voided.

I have enclosed the copies of your receipts for items #44 and #45 for Perring Woods Court Corporation. Please note that the correct item numbers for your petitions are #44 and #45 and you should refer to these numbers when referencing your petitions.

If you need further clarification or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

Sophia C. Jennings
Sophia C. Jennings

Enclosures

Printed on Recycled Paper

93-39-A 45

MOORE, CARNEY, RYAN & LATTANZI
ATTORNEYS AT LAW
4111 JOPPA ROAD
BALTIMORE, MARYLAND 21236
(410) 529-4600
FAX (410) 529-6146

ROBERT J. RYAN
OF COUNSEL

August 18, 1992

Office of Baltimore County Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Petition for Variance
Perring Woods Court

Gentlemen:

Enclosed you will find copies of receipts I have received regarding two petitions for variances which I filed on behalf of Perring Woods Court Corporation.

The receipts dated August 7, 1992 were hand written because the computer was temporarily unavailable. On August 7, 1992, the computer apparently began working and I received two receipts indicating that the variance petitions were identified as Items No. 41 and 42. Apparently, the hand receipts were processed again on August 10, 1992. Two additional Item Nos. were assigned, namely, 44 and 45.

I bring the above information to your attention so that there will be no confusion in the proper filing of documents and correspondence. I would appreciate your advice as to the correct Item Nos. to be used in the future.

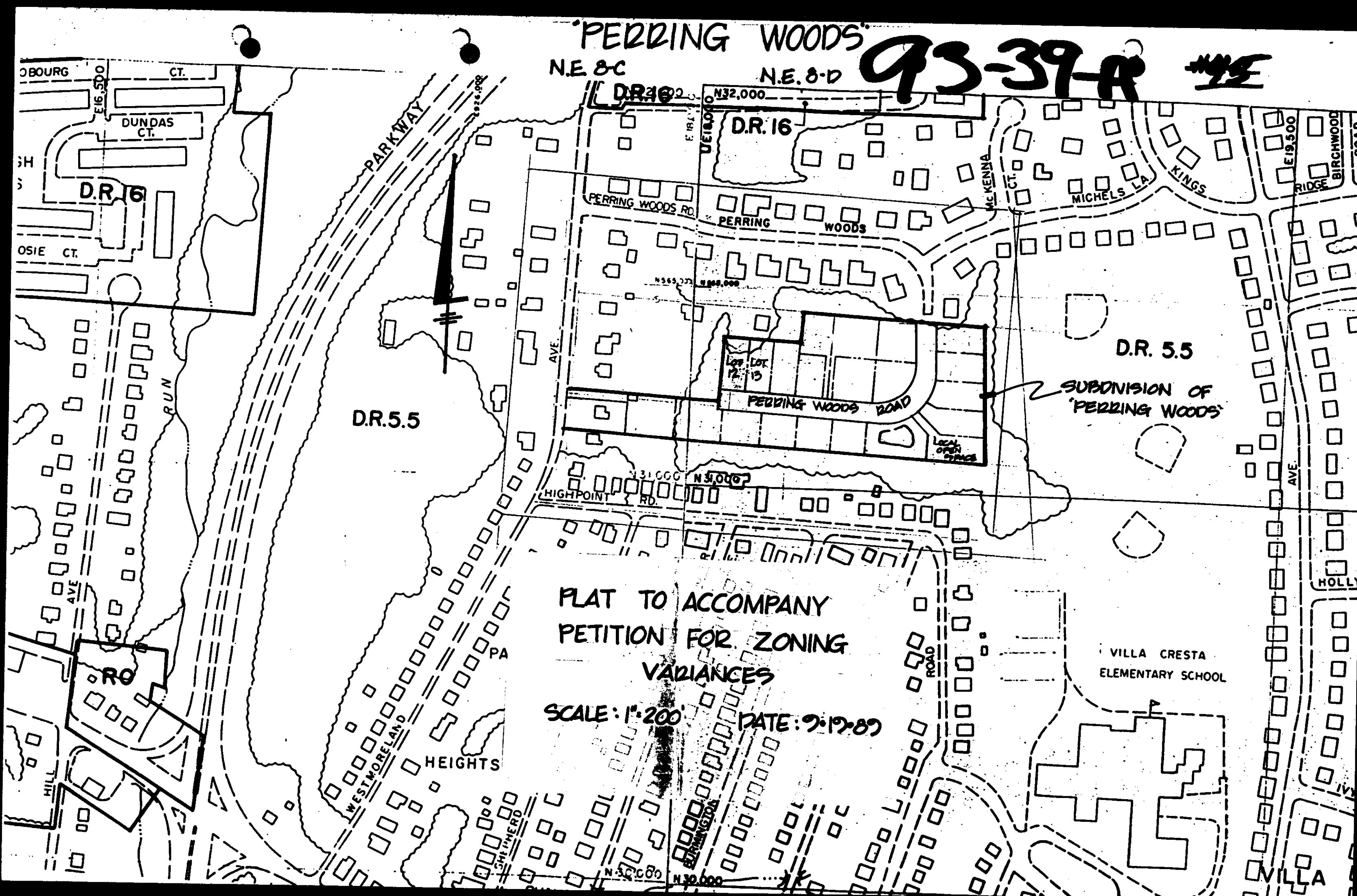
Very truly yours,

Ronald A. Decker
Ronald A. Decker

RAD:je
Enclosures
cc: Mr. Anthony Fiorini, Vice-President
Perring Woods Court Corporation

RECEIVED
AUG 19 1992

ZONING OFFICE



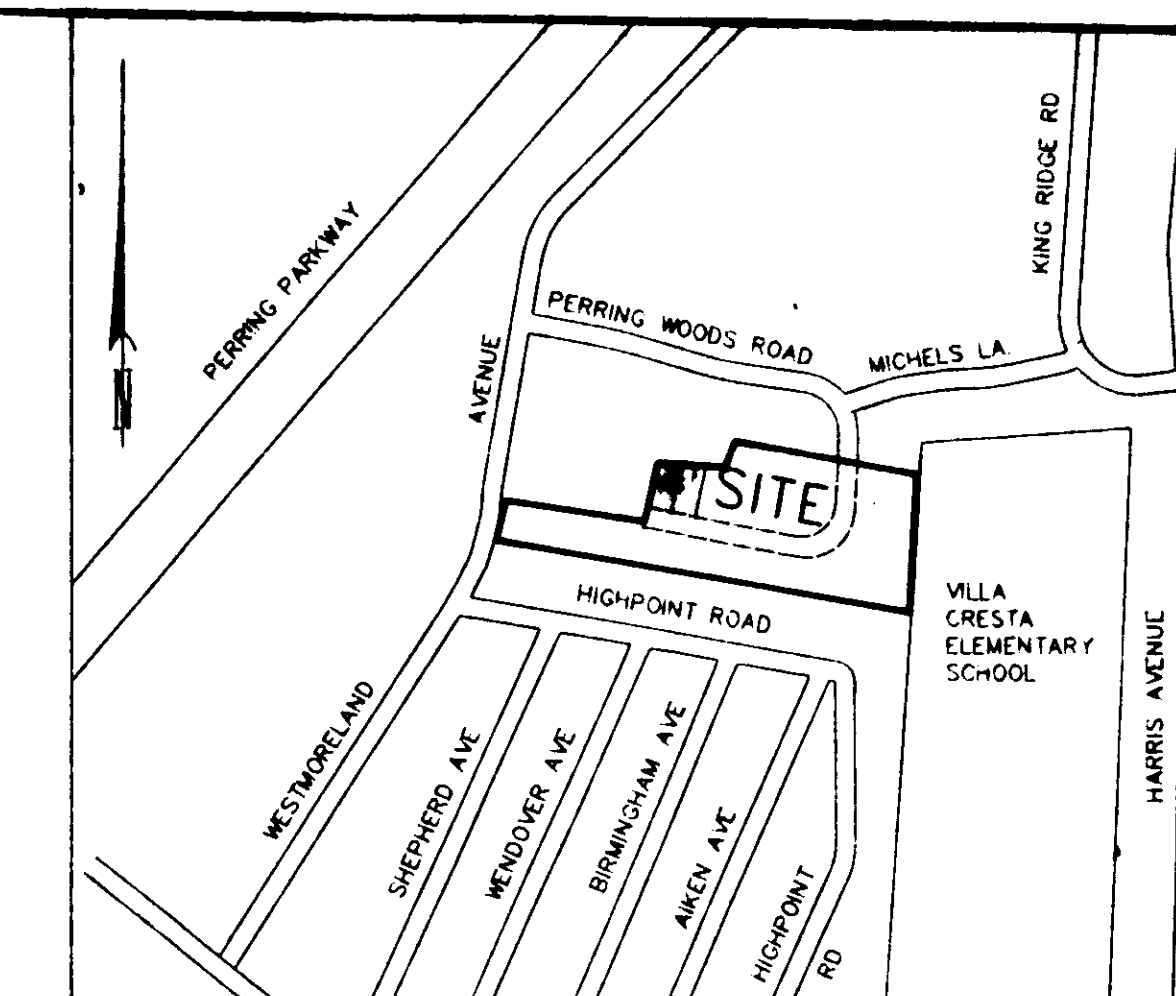
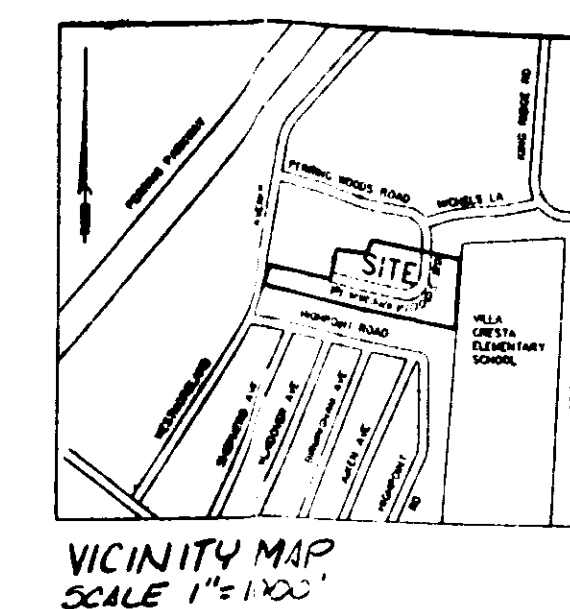
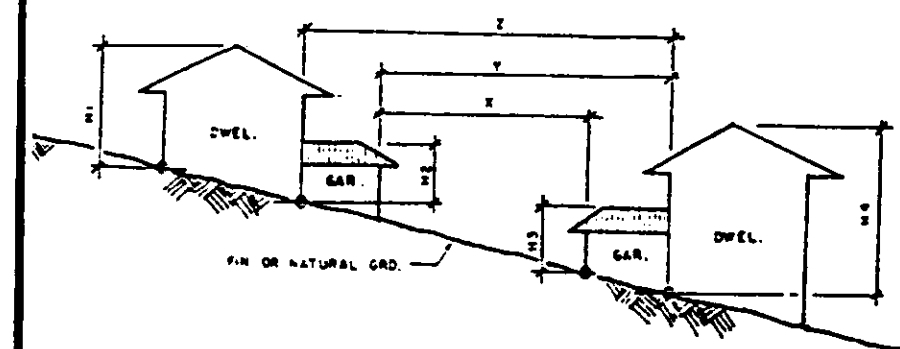
WINDOW & HEIGHT DISTANCE SETBACK REQUIREMENTS

DISTANCES BETWEEN BUILDINGS
(FACING ELEVATIONS)

- Window to Window - 40'
- Window to Street R/W - 25'
- Window to Tract Boundary - 35'
- Window to Property Line - 15'
- Building to Ex. R/W - 25'
- Building to Ex. R/W C/L - 50'
- Building to Proposed R/W - 0'
- Building to Tract Boundary - 30'

Height to Height Requirements (Distances between facing elevation):

- 0-20' - 16' Separation
- 20-25' - 25' Separation
- 25-30' - 30' Separation
- 30-40' - 40' Separation
- 40-50' - 60' Separation
- 50-60' - 75' Separation
- Building height - by zone
- Building length - 300' maximum



VICINITY MAP
SCALE 1"=500'

ACCESSORY STRUCTURE NOTE

- Envelopes shown hereon are for the location of all principal buildings only. Accessory structures, fences and projections into yards may be constructed outside the envelope, but must comply with Sections 400 and 301 of the Baltimore County Zoning Regulations. (Subject to covenants and applicable building permits.)
- Accessory structures, fences and projections into yard cannot be located in flood plain areas or hydric soils.

ZONING COMMISSIONER'S NOTE

This development plan is approved by the Zoning Commissioner based on his interpretation of the Zoning Regulations, that it complies with present policy, density and bulk controls as they are delineated in the Regulations. Any part of this tract that has been utilized for density to support dwellings shown thereon shall not be further divided, subdivided or developed for additional dwellings or any purpose other than that indicated presently on said plan. Utilization will have occurred when a dwelling is constructed and transferred for the purpose of occupancy.

CURB CUT NOTE

The exact location of curb cuts for driveway or parking pad entrances is to be determined by owner when exact building models become available but prior to installation of street curbs.

WALKWAY EASEMENT NOTE

If drainage, utility and walkway easements are fenced, then at least 5 feet must remain open for pedestrian access.

CRG PLAN NOTE

This development plan complies with the CRG plan and all CRG Comments.

LANDSCAPE PLAN NOTE

A landscape plan must be approved by the Office of Planning prior to the issuance of a building permit.

SOIL TYPES AND LIMITATIONS

- BLB - Beltsville silt loam, 2 to 5 percent slopes
- Homesites (3 stories or less)
- with Basements - Moderate: Seasonally Perched Water Table
- without Basements - Slight
- Streets & Parking Lots - Moderate: Seasonally Perched Water Table; Slope

GENERAL NOTES

- General Information
 - Election District No. 9
 - Councilmanic District No. 6
 - Census Tract 4920.02
 - Watershed 22
 - Subwatershed 30
 - Public Services CRG No. 89062
- Density Calculations
 - Gross Acreage: 5.9176 ac
 - Net Acreage: 5.9176 ac
 - Existing Zoning: DR 5.5
 - Number of Dwelling Units Allowed: $(5.9176 \times 5.5) = 32$
 - Number of Dwelling Units Proposed: 20
 - Average Daily Trips: 120
 - Offstreet Parking Required: 2 spaces/dw. unit $\times 20 = 40$ spaces
 - Offstreet Parking Proposed: 40 spaces
 - Local Open Space Required: 650 sq ft $\times 20 = 13,000$ sq ft
 - Local Open Space Provided: 13,000 sq ft
 - Landscaping:
 - Number of Trees Required: 1 tree/Lot $\times 20 = 20$ trees
 - 50% credit for existing trees to be saved = $20 \times 50\% = 10$ trees
 - No. of trees required: 20 - 10 = 10 trees
 - No. of trees proposed: 10 trees
- Local open space will be dedicated to Baltimore County. Local Open Space shall not be disturbed without prior approval from the Department of Recreation and Parks.
- Refuse shall be collected by Baltimore County.
- Landscaping to be provided by Developer.
- Grading shall be on an individual lot basis.
- Sanitary Sewer: public by extension of existing 8" sanitary sewer. (dwg. no. 52-563)
- Water: public by extension of existing 8" water. (dwg. no. 76-0646)
- Stormwater Management will be provided.
- Temporary boundary markers and tree protection devices shall be installed prior to any clearings or gradings.
- Setback minimum of 22' must be held when garage or carport enter directly from the street.
- Clearings and gradings are to be limited to the areas for road construction and homesites only. Homesite clearings will be restricted to 7,000 square feet per lot.
- All proposed parking areas and panhandle driveways shall be constructed with a dustless surface consisting of macadam, concrete, or bituminous concrete.
- All lots are for sale.
- This property does not contain wetlands, critical areas, historic buildings, archeological sites, endangered species habitat or hazardous material sites.

PRINT DATE

AUG 10 1992

KCW CONSULTANTS, INC.

VARIANCES REQUESTED FOR LOTS 12 AND 13

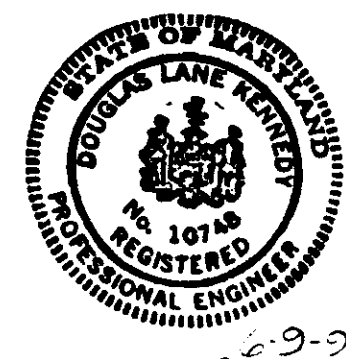
- LOT 12: Variance requested to allow a side yard building to set boundary of 10 ft. in lieu of the required 30 ft.
- LOT 13: Variance requested to allow a side yard building to set boundary of 22 ft. in lieu of the required 25 ft. between houses on Lot 12 and 13 and a distance of 20 ft. in lieu of the required 25 ft. between houses on Lots 12 and 13.

HIGHPOINT

ROAD

93-39-A

KCW Consultants, Inc.
Civil Engineers and Land Surveyors
3104 Timanus Lane
Suite 101
Baltimore, Maryland 21207
(410) 281-0033



OWNER/DEVELOPER

1000 BROADWAY BLVD.
1000 BROADWAY BLVD.
1000 BROADWAY BLVD.
1000 BROADWAY BLVD.
1000 BROADWAY BLVD.

PREVIOUS ZONING CASES

- RESULTS OF VARIANCES REQUESTED IN CASE NO. 90-299-A (APRIL 4, 1990)
- 1. LOT NO. 11: GRANTED
Variance requested to allow a side yard (window to tract boundary) of 10 feet in lieu of the required 35 feet.
- 2. LOT NO. 12: DISMISSED (90-299-A)
Variance requested to allow a side yard (window to tract boundary) of 10 feet in lieu of the required 35 feet.
- 3. LOT NO. 20: DISMISSED (90-299-A)
Variance requested to allow a side yard (window to tract boundary) of 20 feet in lieu of the required 35 feet and window to tract boundary of 20 feet in lieu of the required 35 feet.

REVISIONS

DATE	REVISIONS
6-12-92	LOT 12 AND LOT 13 VARIANCE PETITION

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

LOT 12 & 13
PERRING WOODS COURT

9TH Election District
Baltimore County, Maryland

KCW 10.8.8913D SCALE: 1"=50' DATE: 6/10/92